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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,543	01/29/2004	Robert Allan Brigham II	MS302926.01 / MSFTP580US	5350
27195	7590	03/08/2007	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			KENDALL, CHUCK O	
			ART UNIT	PAPER NUMBER
			2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/767,543

Applicant(s)

BRIGHAM ET AL.

Examiner

Chuck O. Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This is in response to Application filed 01/29/04.
2. Claims 1 – 39 have been examined.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system claimed is software per se and doesn't show any interrelated hardware for performing the process.

Furthermore there is no practical utility as a software per se developing software never has to leave the computer and hence no real world result is ever achieved.

Claims 1 - 22 rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a asserted utility or a well established utility.

And as a matter of fact if the application fails to satisfy 35 U.S.C. 101, then the application also fails as a matter of fact of law to enable one of ordinary skill in the art to use the invention under 35 U.S.C 112

Claims 1 – 22 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either an asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

5. Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim recites a computer readable medium for carrying out, the system claimed in claim 1. This is not an acceptable category of patentable subject matter.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanner et al. US 2002/0038451.

Regarding claim 1, a system that facilitates building an application using a development framework, the system comprising an exposor component that exposes a set of classes (0362, see connector which exposes), which set includes at least one of a framework class of the framework and a project class of a project, and which at least one of the framework class and the project class is used to develop the application (0073).

Regarding claim 2, the system of claim 1, the set of classes includes at least one of a class related to a computing device on which the application will be run, a class that provides information about the application, an object that provides information about a user that runs the application, and a class that is commonly used in the project (0207).

Regarding claim 3, the system of claim 2, the class that is commonly used is related to one of a form, a web service, a resource, and a setting (0204).

Regarding claim 4, the system of claim 1 facilitates creation of a single entry point to common classes for building the application (0130).

Regarding claim 5, the system of claim 1, the exposor component exposes a class of a plurality of namespaces of the framework (0294).

Regarding claim 6, the system of claim 1, the exposor component facilitates creation of a namespace that provides hierarchical access to instances of classes that are commonly used to develop the application (270, 278, for namespace and hierarchical definition).

Regarding claim 7, the system of claim 6, the namespace includes a default set of the classes (0294, defines structure name space to be the base configuration).

Regarding claim 8, the system of claim 1, the exposor component facilitates creation of a namespace that provides hierarchical access to instances of classes that are used more frequently than other classes (270, 278, for namespace and hierarchical definition).

Regarding claim 9, the system of claim 1 is extensible such that a new class can be exposed that is provided in accordance with at least one of an expansion of the

framework and an improvement to the framework (0294, see "extended, replaced or configured").

Regarding claim 10, the computer readable medium version of claim 1, see rationale above as previously addressed.

Regarding claim 11, the computer version of claim 1, see rationale above as previously addressed.

Regarding claim 12, the system of claim 1, the set of classes is a top-level set that includes one or more classes related to the application, a computer running the application, a user running the application, a form of the project, a web service referenced in the project, a resource of the project, and a setting of the application (0073).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 13 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. US 2002/0038451 A1 in view of Burd et al. USPN 6,961,750 B1.

Regarding claims 13 and 20, Tanner discloses a system that facilitates building an application within a development framework. Although, Tanner doesn't explicitly disclose a compiler that compiles code and an identification component that receives search information related to class information of a class to be identified, which identification component signals the compiler to search the code based on the search information and tag the class information, Tanner does support natively compiled and optimized code as well as compiler compatible/portable code (0162).

However, Burd in an analogous art and similar configuration discloses using the tag to identify "src" file for processing by the compiler (10:25 – 30). Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Tanner and Burd because it would enable identifying files to be compiled.

Regarding claims 14 and 21, the system of claim 13, the compiler tags the class information during compilation of the code (0188, see binding compiled procedures).

Regarding claims 15 and 22, the system of claim 13, the compiler provides user access to the tagged information (0188, see binding compiled procedures).

Regarding claim 16, the system of claim 13, the class information is tagged utilizing a compiler attribute (Burd, 10:25 – 30, see script tag).

Regarding claim 17, the system of claim 13, the tagged class information is pulled out and compiled separately with respect to compiling the code (Burd, 10:25 – 30, see script tag).

Regarding claim 18, the system of claim 13, the class is generated dynamically, and includes strong types and bounded access that points only to an object of the class (Tanner, 0024).

Regarding claim 19, the system of claim 13, the system dynamically generates types in a namespace that reference internal resources (270, 278, for namespace).

10. Claims 23 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. US 2002/0038451 A1 in view of Goodwin et al. US 6,199,195.

Regarding claims 23, 28 and 31, Tanner discloses a method of aggregating functionality in support of building an application, (0130) as well as associating the class with a namespace (270, 278, for namespace). Tanner doesn't expressly disclose identifying a class of objects to be returned from source code, searching and collecting the one or more objects that are found and then generating and accessing the properties. However, Goodwin in analogous art and similar configuration of a building a framework discloses producing a set of source code, reading it, defining it and it determines what is generated (13:20 – 35) as well as querying and returning the given objects (7:45 – 50). Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to combine Tanner and Goodwin because it would enable being able to tailor the specified objects/code.



Regarding claim 24 and 29 the method of claim 23 and 28, further comprising grouping the one or more objects that are associated with a given property, into the class (8:5 – 10, see Goodwin).

Regarding claim 25, the method of claim 23, further comprising associating the class with an indicator that is unique to the class (8:5 – 10, see Goodwin).

Regarding claim 26, the method of claim 23, the one or more objects that are found, are collected according to an attribute (Tanner: 19: 55 – 65, see ControlCollection).

Regarding claim 27, the method of claim 23, further comprising compiling the one or more objects that are collected (Tanner: 19: 55 – 65, see ControlCollection).

Regarding claim 30, the method of claim 28, further comprising grouping the one or more objects into class with a namespace (Tanner, 270, 278, for namespace and hierarchical definition).

Regarding claim 32, the system of claim 31, the means for compiling fetches source files from a runtime library (Burd, 8:50 – 55, see control class library).

Regarding claim 33, the system of claim 31, further comprising means for injecting source code into a user project based on a library that was referenced (Burd, 10:25 – 30).

Regarding claim 34, the system of claim 31, the one or more objects are top level objects that have a class declaration associated therewith (22:23 – 30).

Regarding claim 35, the system of claim 31, the property is part of source code that is embedded in a runtime dynamic linked library as a resource(Burd, 8:50 – 55, see control class library).

Regarding claim 36, the system of claim 35, the means for compiling automatically references the library, and checks for the presence of the resource for all compilations (Burd, 8:30 – 55, see dynamically).

Regarding claim 37, the system of claim 35, the means for compiling adds contents of the resource as a hidden source file buffer to a project defined within the environment (Burd, 16:7 – 10).

Regarding claim 38, the system of claim 31, the means for compiling uses attribute arguments to collect class members of a group of the one or more objects to generate underlying code of the group (Burd, 8:40 – 55).

Regarding claim 39, the system of claim 31, further comprising means for employing a number of top-level classes according to the application being developed (Burd, 22:23 – 30).

### **Correspondence information**

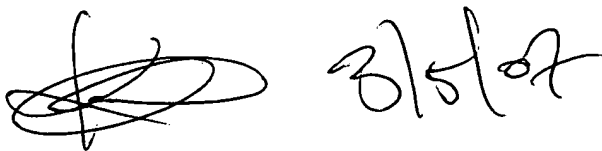
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

Handwritten signature and date 3/5/07